

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IRINA GALANOVA,

23-cv-183 (JGK)

Plaintiff,

ORDER OF SERVICE

- against -

MORGAN STANLEY SERVICES GROUP INC.,

Defendant.

JOHN G. KOELTL, District Judge:

On April 27, 2023, this Court extended the time for the plaintiff to serve defendant Morgan Stanley Services Group Inc. ("Morgan Stanley") because no proof of service had been filed on the docket. See ECF No. 6. Later that day, the plaintiff filed an affidavit of service indicating that Morgan Stanley was served on April 6, 2023, ECF No. 8, along with an amended complaint properly filed as of right, ECF No. 9. See Fed. R. Civ. P. 15(a)(1) (a party "may amend its pleading once as a matter of course" within "21 days after serving it" on the opposing party). The amended complaint in this pro se fee-paid case adds a new defendant, Magaly Denis-Roman. Accordingly, the Clerk of Court is respectfully directed to issue a summons as to Magaly Denis-Roman. The plaintiff is directed to serve the summons and the amended complaint on Magaly Denis-Roman within **90 days** of the issuance of the summons.

Morgan Stanley has not yet answered the original complaint. However, because the plaintiff has filed an amended complaint, the amended complaint should be served on Morgan Stanley so that Morgan Stanley can answer or respond to the plaintiff's new pleading. See

Int'l Controls Corp. v. Vesco, 556 F.2d 665, 668-69 (2d Cir. 1977) ("It is well established that an amended complaint ordinarily supersedes the original and renders it of no legal effect," but "where, as here, the amended complaint is required to be served under Rule 5(a)," "the original complaint is not superseded until the amended complaint is served."); see also Wells Fargo Bank, N.A. v. Ullah, No. 13-cv-485, 2015 WL 3735230, at *8 (S.D.N.Y. June 15, 2015) ("A complaint is superseded by an amended complaint when the latter is properly served."). Accordingly, the plaintiff is directed to serve a copy of the amended complaint on Morgan Stanley by **May 30, 2023**. Morgan Stanley's answer or response to the amended complaint is due on **June 20, 2023**.

The Clerk is directed to mail a copy of this Order to the pro se plaintiff and to note such mailing on the docket.

SO ORDERED.

Dated: New York, New York
April 28, 2023


John G. Koeltl
United States District Judge